

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35084 of 2023

Arising Out of PS. Case No.-338 Year-2021 Thana- DORIGANJ District- Saran

Vivek Kumar Singh Son of Dhananjay Singh Resident of village - Musepur,
P.S.- Doriganj, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 04.12.2021, in connection with Sessions Trial No. 217 of 2023 arising out of Doriganj P.S. Case No. 338 of 2021, F.I.R. dated 02.12.2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 337, 504, 506, 307, 302 along with 120(B) of the Indian Penal Code.

3. Allegation against the petitioner is that he along with co-accused Prashant Kumar Singh assaulted to Brajendra Singh and his father Raj Narayan Singh with iron rod and butt of the pistol due to which they received injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and as per allegation in the F.I.R. the petitioner and other co-accused person namely Prashant Kumar have assaulted Brajendra Singh and Raj Narayan Singh with knife and iron rod. He further submits that there is no accusation of any assault or overt act attributed against the petitioner that he has assaulted the Brajendra Singh and Raj Narayan Singh and although the injury report of both the persons suggests that the injuries are grievous in nature. He further submits that there is case and counter case between the parties and co-accused namely Prashant Kumar Singh against whom the similar allegation that he along with the petitioner have assaulted the Brajendra Singh and Raj Narayan Singh has been granted bail by a Coordinate Bench of this Court vide order dated 26.06.2023 in Cr. Misc. No. 14972 of 2023 along with other co-accused persons. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.12.2021.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the injury of the injured persons suggests that the injury is grievous in nature and there is direct



and specific allegation that he along with other co-accused person have assaulted the Brajendra Singh and Raj Narayan Singh but learned APP for the State fairly submits that co-accused Prashant Kumar Singh against whom the similar allegation has been granted bail by a Coordinate Bench of this Hon'ble Court.

6. Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, Saran at Chapra, in connection with Sessions Trial No. 217 of 2023 arising out of Doriganj P.S. Case No. 338 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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